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**Publish date:**  
**3/28/13**

**WQC number: 833-9005-WQC-1**

## Public Notice

**Closing Date:**  
**4/26/13**

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This letter serves as the formal notice of the receipt of an application for a Section 401 Water Quality Certification by the Kentucky Division of Mine Permits (KDMP). The purpose of this notice is to inform the public of active applications awaiting certification under Section 401 of the Clean Water Act (33 U.S.C. § 1341) and to solicit comments and information on any impacts to water quality as it related to the specific project. DMP will evaluate whether the project complies with Kentucky's water quality standards.

The comment period will run for 30 days, as is indicated in the upper portion of this notice. Any person who wishes to comment or receive information pertaining to the pending WQC application, must contact the WQC coordinator at 502 564-2320, or submit comments to: Water Quality Certification 2 Hudson Hollow, Frankfort KY 40601, within the 30 day comment period. All comments will be reviewed and water quality issues will be considered during the review process.

The public may review the detailed Compensatory Mitigation Plan at the Division of Mine Permits office at: #2 Hudson Hollow Frankfort, KY 40601

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JW  
WQC-1  
\* 401 application

Commonwealth of Kentucky  
Department for Natural Resources  
Division of Mine Permits

**Application for Water Quality Certification for Surface Coal Mining Activities**

The Clean Water Act Section 401 Water Quality Certification (WQC) program in Kentucky ensures that activities which may involve a discharge into waters of the Commonwealth which require federal permit or license are consistent with Kentucky's water quality standards in 401 KAR Chapter 5. The Energy and Environment Cabinet has authorized the Department for Natural Resources to issue water quality certifications related to surface coal mining operations. The project may not start until all necessary approvals are obtained. For questions concerning the WQC process, contact the WQC Coordinator at (502)-564-2320.

1. **Applicant Name:** Fuel Recovery Partners LLC  
**Mailing Address:** 5996 Sulphur Well Road, Lexington, KY 410509  
**Contact Person:** Dell Jagers  
**Telephone No:** ( 859 ) 223-4879  
**E Mail Address:** deljag@gmail.com
2. **Consultant Name & Address:** EcoSource, Inc.  
Boston Square, Georgetown, Kentucky 40324  
**Telephone No.** (502) 868-5200  
**E Mail Address:** ecosource@hotmail.com
3. **Provide a brief description of the proposed activity and stream impact.**  
Fuel Recovery Partners LLC, is proposing to reactivate an inactive coal processing facility located in Estill County, Kentucky. The site is being permitted through the Kentucky Division of Mine Permits under application number 833-9005. The intent of the applicant is to reprocess the coal refuse located on-site through a new processing plant. The recoverable coal will be separated from the coal refuse and the waste material will be stored on-site. However, the majority of the recoverable coal that is currently located on the site will be recovered and reused.
4. **Project Location Information:**  
**County** Estill; **USGS Quadrangle Name** Irvine and Panola, KY  
**Nearest Community & Road Intersection:** Irvine, KY 89/Coal Wash Road  
**Longitude** 83.998110 **Latitude** 37.725342 (Approximate center of the project area)
5. **List the names of all streams affected by the proposed project:** Unnamed tributaries to Masters Creek and the Kentucky River

6. For each affected watershed provide the acreage above the toe of the lowest permanent structure.

Existing Structure Puckett Impoundment – Unnamed tributary to Masters Creek – 50 acres

All drainages into Kentucky River are considered non-jurisdictional and all of the structures within the Kentucky River drainage area are existing.

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7. For each affected stream provide the linear feet of impact, whether the impact is temporary or permanent and indicate if the stream reach is classified as ephemeral, intermittent, or perennial.

Reach 1A – 100' – permanent impacts – intermittent

Reach 1B – 390' – permanent impacts – ephemeral

Reach 2A – 300' – permanent impacts – perennial

Reach 2B – 400' permanent impacts – perennial

8. Provide the acreage of wetlands that would be impacted: 0.25 acre

9. Beginning at the nearest intersection of two public roads, provide directions to the project site:

Travel north for 1.2 miles from downtown Irvine, KY onto KY 89/Winchester Road to the intersection with Coal Wash Road. Turn left or west onto Coal Wash Road and travel for a distance of 0.7 mile. A locked gate prevents further access beyond this point.

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10. Has application been submitted to the U.S. Army Corps of Engineers for this project? Yes X No \_\_\_\_\_. If yes, indicate type of application:

NW 12 \_\_\_\_ NW 14 \_\_\_\_ NW 21 \_\_\_\_ NW 27 \_\_\_\_ NW 49 \_\_\_\_  
NW 50 \_\_\_\_ Individual X Other \_\_\_\_

11. Provide the following permit numbers associated with this mining activity:  
SMCRA Permit No. 833-9005, KPDES No. KY0105597

12. The following attachments must be provided:

- a. A watershed map showing all ponds and hollowfills to scale with all intermittent, and perennial stream reaches clearly identified.
- b. A 7.5 minute topographic map delineating the proposed project area.
- c. A copy of the complete Compensatory Mitigation Plan

List all other plans and profiles included with this application:

compensatory mitigation plan

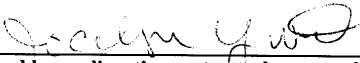
404 permit application and supporting information

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I hereby request approval for construction across or along a stream as described in this application and supporting attachments. All of the information provided with this application is true and accurate to the best of my belief and knowledge.

**Applicant's Signature:**

 \_\_\_\_\_, Date: 3/14/13  
If signed by applicant's agent, attach power of attorney

**SUBMIT APPLICATION AND ATTACHMENTS TO:**

**WQC COORDINATOR  
DIVISION OF MINE PERMITS  
#2 HUDSON HOLLOW  
FRANKFORT, KENTUCKY 40601**